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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,975	11/14/2003	Derek Hung Kit Tam	INP0007-US	7504

7590

07/01/2005

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EXAMINER

DUONG, OANH L

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/706,975

Applicant(s)

TAM ET AL.

Examiner

Oanh Duong

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>01/15/05; 03/03/05; 04/28/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-12 are presented for examination.

Claim Objections

1. Claims 8 and 9 are objected to because of the following informalities:

Regarding claim 8, the feature 'MM4" line 2 should be defined in the claim

Regarding claim 9, the feature "SMS" in line 1 should be defined in the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-8 and 11-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Tso et al. (Tso) 9US 6,421,733 B1).

Regarding claim 1, 6 and 12, Tso teaches a method for providing multimedia message service (MMS) interoperability between a first carrier and a second carrier (Fig. 3), comprising:

receiving an MMS message from a first carrier (i.e., receives information from network server 10, col. 2 lines 56-58);

querying a number portability database to determine an identity of a second carrier to which the MMS message is intended to be sent (i.e., client preference table 26, col. 7 line 15 col. 8 line 9 and col. 10 lines 16-49);

querying a carrier profile repository to access a carrier profile for the second carrier, the carrier profile including information regarding an MMS format acceptable to the second carrier (i.e., selectively transcoding data object according to a predetermined selection criteria, col. 7 lines 15-9 and col. 18 lines 12-14);

transcoding the MMS message in accordance with the carrier profile to generate a transcoded MMS message (i.e., transcodes the data stream appropriately col. 10 lines 47-49); and

sending the transcoded MMS message to the second carrier (i.e., transmits the transcoded data stream to network client, col. 10 lines 47-49).

Regarding claim 2, Tso teaches wherein the first carrier is an MMS message-initiating carrier (i.e., server, col. 2 lines 56-58).

Regarding claim 3, Tso teaches wherein the second carrier is an MMS message destination carrier (i.e., client, col. 3 lines 40-42).

Regarding claim 4, Tso teaches preliminarily determining whether the step of transcoding is necessary (col. 18 lines 29-35).

Regarding claims 5 and 7, Tso teaches wherein the carrier profile repository contains carrier profiles for a plurality of carriers (col. 13 lines 13-30).

Regarding claim 8, Tso teaches wherein the MMS message received from the initiating carrier is sent to the destination carrier via an MM4 message (i.e., transcoding information transmitted between computer, such as a network server computer and a network client computer (col. 2 lines 8-12).

Regarding claim 11, Tso teaches delivering the MMS message to a legacy system belonging to the destination carrier (col. 12 lines 17-41).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tso in view of Eichstaedt et al. (Eichstaedt) (US 2005/0027741 A1).

Regarding claims 9, Tso does not explicitly teach sending an SMS message to the destination carrier to alert an intended recipient of a received MMS message.

Eichstaedt teaches ending an SMS message to the destination carrier to alert an intended recipient of a received MMS message (page 3 paragraph 29).

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to combine the teachings of Tso to include ending an SMS message to the destination carrier to alert an intended recipient of a received MMS message as taught by Eichstaedt because it would enable a user to register an interest and subsequently provided with a alert when new information becomes available regarding the registered interest.

Regarding claim 10, Tso does not explicitly teach sending an email to the destination carrier to alert an intended recipient of a received MMS message.

Eichstaedt teaches sending an email to the destination carrier to alert an intended recipient of a received MMS message (page 1 paragraph 13). It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to combine the teachings of Tso to include sending an email to the destination carrier to alert an intended recipient of a received MMS message as taught by Eichstaedt because it would enable a user to register an interest and subsequently provided with a alert when new information becomes available regarding the registered interest.

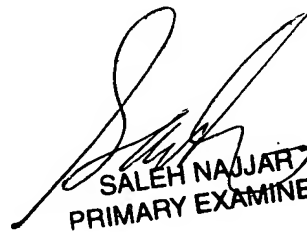
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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oanh Duong whose telephone number is (571) 272-3983. The examiner can normally be reached on Monday- Friday, 2:00PM - 10:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

O.D
June 26, 2005



SALEH NAJJAR
PRIMARY EXAMINER